

Report to: Planning Committee
Date: 14th December 2021
Application No: 210772
Location: Land at Tesco Car Park, 21 Lottbridge Drive
Proposal: Erection of a coffee shop with drive thru facility, replacement car parking and associated works
Applicant: Eastbourne Borough Council
Ward: St Anthony's
Recommendation: Grant permission subject to conditions
Contact Officer: **Name:** Neil Collins
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Map Location:



1. **Executive Summary**

- 1.1 This application is brought before the Planning Committee due to the significant number of objections received following public consultation.
- 1.2 The proposal involves the creation of drive through facilities comprising 2 coffee shop units falling within Use Class E, together with access and parking arrangements, landscaping and boundary enclosure. Existing 'click and collect' and recycling facilities would be relocated as part of the development proposals.
- 1.3 Amendments have been received during the course of the application to address officer concerns regarding impacts upon neighbour amenity through noise disturbance, including (but not limited to) curtailing opening hours from 24 hr opening to 6am-11pm, securing the site during non-opening hours to prevent improper use and an improved acoustic wall on the rear site boundary, which has also been extended to cover relocated recycling facilities.
- 1.4 The proposed use is acceptable in this location and would provide employment opportunities through the creation of approximately 30 new FTE jobs.
- 1.5 The application would bring about environmental improvements to this part of Tesco's car park, is acceptable in terms of the visual and amenity impacts and would comply with both national and local planning policy.
- 1.6 The application is recommended for approval, subject to conditions. At the point of writing, the recommendation is subject to the final agreement from ESCC Highways following liaison during the application and this will be updated in addendum to Committee or at the meeting itself.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
16. Conserving and enhancing the historic environment

2.2 Eastbourne Core Strategy Local Plan 2006-2027:

- B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods
C5: Ocklynge & Rodmill Neighbourhood Policy
D1: Sustainable Development
D2: Economy
D4: Shopping
D8: Sustainable Travel
D9: Natural Environment
D10: Historic Environment
D10a: Design

2.3 Eastbourne Borough Plan 2001-2011:

BI 7 Design Criteria
NE4: Sustainable Drainage Systems
NE7: Waste Minimisation Measures in Residential Areas
NE18: Noise
NE28: Environmental Amenity
UHT1: Design of New Development
UHT4: Visual Amenity
UHT5: Protecting Walls/Landscape Features
UHT7: Landscaping
US3: Infrastructure Services for Foul Sewage and Surface Water Disposal
US4: Flood Protection and Surface Water Disposal
US5 Tidal Risk
HO20: Residential Amenity
TR6: Facilities for Cyclists
TR11: Car Parking

3. **Site Description**

- 3.1 The application site forms part of an established retail site - currently operating as Tesco Extra 24 hour superstore – which includes café, pharmacy and dry cleaning services in-store and a petrol filling station and car wash facilities within the larger site curtilage. The Tesco site is part of the larger established Admiral Retail Park, which also includes MacDonalld's 'Drive-Thru' restaurant adjacent to Tesco petrol station to the north.
- 3.2 The application site itself comprises approximately 0.5 acres in the south-eastern portion of the larger site, which is currently is use as part of the car park facilities for the store, but also accommodates existing 'click and collect' and recycling facilities.

- 3.3 The site is bounded on its northern side by Lottbridge Drove, which is met by a large roundabout directly east of the site connecting to Seaside, which forms part of the southern boundary of the site.
- 3.4 The site includes the existing vehicular access serving the wider Tesco site from Lottbridge Drove, but the site can also be accessed via an existing secondary access to the north via a shared service road serving the wider Admiral Retail Park, again from Lottbridge Drove.
- 3.5 The nearest residential occupiers are located on the opposite side of Lottbridge Drove to the north and to the south of the site, fronting Seaside and Northborne Road, the gardens of which back onto the car park area (although separate from the defined application site). The nearest buildings on Seaside are currently in commercial use, occupied by the Seaside Dental Practice.
- 3.6 The site is partly located within an Archaeological Notification Area, which centres on Seaside roundabout, relating to the highly significant remains of a preserved 11th-century boat that was uncovered in 1963.
- 3.7 The development site is located within the Environment Agency's Flood Zone 3.

4. Relevant Planning History

- 4.1 There have been numerous historic applications concerning the wider site, but none are relevant to the consideration of this application and, as such, have not been listed in this report.

5. Proposed Development

- 5.1 The application seeks permission for redevelopment of this portion of the Tesco site to create two coffee shop outlets, including drive through facilities. Two single storey buildings are proposed, which would be roughly centrally placed on the site and intended for occupancy by Starbucks and Greggs, comprising 185m² and 167m² respectively. The new floorspace would fall into Use Class E (Commercial).
- 5.2 The proposal includes landscaping of the site, incorporating soft landscaping features, including new tree and other planting and boundary enclosures, including an acoustic wall on the south west part of the curtilage, which would allow for climbing planting.
- 5.3 The site would be accessed via the existing access from Lottbridge Drove and an improved pedestrian access would replace the existing from Seaside with an additional pedestrian access provided to Lottbridge Drove.
- 5.4 The scheme would include the creation of car parking facilities for 34 vehicles (including 4 electric vehicle charging spaces) together with 8 cycle spaces.
- 5.5 The proposal includes the relocation of existing 'click and collect' facilities to the main building and recycling facilities just outside of the newly created curtilage which, as a result if revised plans, would also be enclosed by an acoustic wall.

- 5.6 During the course of the application, the applicant has proposed a change to the original 24 hour opening arrangement to 6am-11pm and the site would be secured by a vehicular access gate to prevent vehicular use during non-opening hours - in the interests of preventing neighbour disturbance throughout the night.
- 5.7 The applicant has also proposed other amendments to the original submitted scheme following Officer feedback on the proposal, including: the provision of 4 EV rapid charging points, with scope to expand the number to meet future demand; green roofs have been proposed for both units; and an increase in height from 1.8m to 2.4m for part of the acoustic wall separating the site from the Tesco car park, nearest to residential occupiers.
- 5.8 Refuse and recycling storage facilities for the units would be provided within the site.

6. Consultations

6.1 Specialist Advisor (Planning Policy)

6.1.1 The 'Coffee Shops' will fall within Class E and are 'Main Town Centre Uses'. As paragraph 87 of the National Planning Policy Framework states "Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date Local Plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered." The site is within the car park of a larger retail development but is not identified as a designated centre in the retail hierarchy (Core Strategy Policy D4) and is therefore considered an 'out of centre' location, which means the sequential test needs to be applied.

6.1.2 The aim of the sequential test is to ensure that main town centre uses are directed towards town centres first, and only where they cannot be accommodated in or on the edge of town centres should main town centre uses be permitted elsewhere. Therefore, the purpose of the sequential test is to direct retail development to the most sustainable location(s) and at the same time protect the vitality of town centres.

6.2 Specialist Advisor (Environmental Protection)

6.2.1 No objection to the proposal subject to the imposition of a condition requiring approval of plant and machinery in operation at the site.

6.3 Environment Agency

6.3.1 No objection to the proposed development as submitted, subject to the imposition of a condition to ensure accordance with the recommendations in the submitted Flood Risk Assessment.

6.4 ESCC Highways

- 6.4.1 At the time of writing, formal response has not been received from the Local Highway Authority (LHA). However, both EBC officers and the applicant have liaised with the LHA through the application period. Objection is not envisaged, taking account of the discussions, subject to the consideration of further parking surveys requested by the LHA to determine parking demand following development.
- 6.4.2 Full and detailed comments will be updated by way of addendum to Committee, together with any resulting changes to the recommendation.
- 6.5 ESCC Flood Risk Team (SuDS)
 - 6.5.1 No objection subject to agreement of the Environment Agency on flood risk issues and any required mitigation measures and subject to condition requiring a maintenance and management plan for the proposed drainage system.
- 6.6 County Archaeologist
 - 6.6.1 No objection subject to the imposition of conditions requiring: A Programme of Archaeological Works in accordance with a Written Scheme of Investigation; an Archaeological Site Investigation and Post-Investigation Assessment; and a Construction Method Statement to ensure remains are preserved in situ.

7. **Neighbour Representations**

- 7.1 A significantly high number of letters of objection have been received in relation to the application, on the following grounds:
 - 7.1.1 Noise disturbance;
 - 7.1.2 Odour pollution;
 - 7.1.3 Anti-social behaviour;
 - 7.1.4 Traffic impacts;
 - 7.1.5 Parking;
 - 7.1.6 Air pollution;
 - 7.1.7 Road safety;
 - 7.1.8 Lighting spill;
 - 7.1.9 Littering;
 - 7.1.10 Sufficient facilities already available nearby;
 - 7.1.11 Unhealthy food choices.
- 7.2 One letter of support has also been received.

8. **Appraisal**

- 8.1 Principle of Development

- 8.1.1 In decision making, Local Planning Authorities are required by the National Planning Policy Framework (NPPF) to consider the balance between the 3 overarching objectives of sustainable development: social, economic and environmental benefits.
 - 8.1.2 The development would result in the creation of employment opportunities, both in the construction and ongoing operation of the site. The development as a whole would create 22 full-time equivalent jobs but offering a range of full-time and part-time flexible work. The development would also result in significant investment in the Borough, both in terms of the physical development of the site and the ongoing business rates yielded by the Council.
 - 8.1.3 The proposed buildings would be used within the scope of Use Class E and are 'Main Town Centre Uses', as defined by the NPPF.
 - 8.1.4 Paragraph 87 of the NPPF states "Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date Local Plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered." The site is within the car park of a larger retail development but is not identified as a designated centre in the retail hierarchy (Core Strategy Policy D4) and is therefore considered an 'out of centre' location.
 - 8.1.5 The submitted Planning Statement provides justification for the elected site, noting that no existing town centre or edge of town centre sites have been identified that would offer alternative locations for the development. In applying the sequential test, applicants are only required to identify sites that could accommodate the entire development proposals. In this case, the proposed floorspace provision, together with the drive-thru facilities and associated car parking. The drive-thru is intended to capture passing trade from customers already visiting the extensive array of existing retail and restaurant uses located in the vicinity.
 - 8.1.6 It is also noted that the intended occupants already occupy units in a primary location within Eastbourne Town Centre.
 - 8.1.7 Taking account of the operational characteristics of a drive-thru development of the nature proposed, together with the target customers already visiting the site and its environs, the location is acceptable in meeting the requirements of adopted policy when balancing the planning considerations and would maintain the vitality or viability of local centres within the borough.
- 8.2 Impact of the proposed development on amenity of neighbouring occupiers:
- 8.2.1 The application site is located in close proximity to residential occupiers, particularly those located in Seaside and Northborne Road to the south/south-west. There is significant concern from

neighbouring residents regarding disturbances generated by the proposed development.

- 8.2.2 The application is supported by technical assessments regarding noise generated from the proposal. This includes a detailed Noise Assessment by Sharps Redmore Acoustic Consultants, which provides details of an environmental noise survey of the site during both daytime and night-time hours, together with an assessment of noise generated from plant and the general activity from the site (including the drive-thru facility and parking). A further Technical Note by Sharps Redmore has been submitted that specifically focusses on the potential disturbance from the order point systems used in drive-thru developments. The assessments focus on the potential for noise disturbance when measured from the nearest noise sensitive receptors; the curtilages of 389 and 404 Seaside. The assessments conclude that the noise emissions from both fixed plant and machinery and the activities associated with the site would be within the WHO (World Health Organisation) guideline noise values during both daytime and night-time hours.
- 8.2.3 An acoustic wall is proposed for the south-west site boundary to mitigate noise disturbances to neighbouring occupants. The original submission comprised a screen measuring 1.8m in height, which would provide planting on the southern side to assist in the visual appearance of the site from neighbouring properties.
- 8.2.4 Further mitigation measures were requested by officers and amendments have been received in response, including an increased height of the acoustic wall to 2.4m on the southern boundary and extension of the acoustic wall to enclose the relocated recycling facilities. The originally proposed 24-hour opening has been revised to 6am-11pm, together with a security gate at the entrance to the site to prevent night-time use outside of these hours. The revised hours would include the servicing of the development, such that service vehicles would also visit the site within the hours of operation to prevent disturbance between 11pm-6am. A Delivery and Servicing Management Plan has been submitted, which details service vehicle procedures to mitigate noise disturbances from these visits.
- 8.2.5 The Council's Specialist Advisor in Environmental Protection has confirmed that the submitted information demonstrates that the noise generated from the proposal would be within acceptable tolerances. However, to ensure that the plant and equipment meets the anticipated noise emissions, the Specialist Advisor has requested that a condition is imposed requiring the prior approval of specifications for noise generating plant and equipment. This would include both extraction plant and the external system employed to take orders from drive-thru customers. The condition would also ensure that plant and equipment operate at the same level as approved for the lifetime of the development, to protect residents from potential future changes to noise generated by plant.

- 8.2.6 Odour disturbance is raised as an additional concern by residents. It is not envisaged that the intended occupants (which generally offer hot drinks and light snacks) would cause odour disturbance, given that primary cooking facilities do not form part of the proposals. However, it is noted that the potential for different businesses to occupy the building post-decision could bring a change in food being offered for consumption on or off the premises. It should be noted that primary cooking on site with a significant proportion of take away would likely require a change of use to a designated Hot Food Take away under the Sui Generis use class, thus requiring a separate planning permission. However, primary cooking for consumption on site could operate under the proposed Class E and therefore, the requirement for approval of plant specifications would include an assessment of the potential for alternative foods to be prepared on site to ensure that required mitigation is provided and maintained for the lifetime of the development.
- 8.2.7 Turning to the potential for disturbance from the lighting of the site, the lighting scheme has been designed with a mixture of low level and pole lighting, both of which would ensure that lighting is directed away from neighbouring occupants in the interest of their amenity. This would be secured by planning condition. The proposed timber acoustic fence on the south western part of the curtilage would prevent intrusion to neighbouring occupants from vehicle headlights in hours of darkness, which would be an improvement on the existing arrangement.
- 8.2.8 The site would be secured between 11pm and 6am, such that it would not be in use at all during these times and would offer an improved situation for neighbouring occupants during these hours, given that the site can currently be used at any time, including the reported anti-social behaviour from vehicles using the site out of daytime hours.

8.3 Design and landscaping

- 8.3.1 The existing site comprises a car park with a small amount of periphery soft landscaping features. The site is open in character and relatively featureless.
- 8.3.2 The proposed buildings would be single storey, although they would be roughly to the eaves height of the neighbouring residential buildings in Seaside. The proposed design of the buildings would be high quality and the resulting development would enhance the visual appearance of the site and wider area. The proposed buildings would comprise a scale and form that would be sympathetic to the prevailing character of the area – a continuation of the lower height residential terraces in Seaside. The buildings would be set back from the edge of the site, such that the open character of the site would generally be maintained.
- 8.3.3 A landscaping scheme has been submitted with the application documents, together with an Arboricultural Impact Assessment.

- 8.3.4 The proposed landscaping scheme would soften the development and provide high quality planting, whilst retaining as much of the better-quality existing landscaping features as possible, including trees of merit across the site. It would offer both visual and biodiversity improvements for the site. A tree protection and landscaping condition would be applied to ensure the soft landscaping features were delivered and retained should trees die within 5 years of implementation.
- 8.3.5 The site would be enclosed by a boundary fence around the non-street facing sides of the curtilage, which would range from 1.8m to 2.4m in height at it's tallest to provide acoustic protection for neighbouring residents. The enclosure would allow for climbing plants to soften the residential/car park side of the fence over time.

8.4 Drainage and Flood Risk

- 8.4.1 The site is located with the Environment Agency's Flood Risk Area 3 and as such, the EA has been consulted with regard to the application and the submitted Flood Risk Assessment. EA has confirmed that there is no objection on flood risk grounds, subject to the recommendations of the FRA being captured by condition of any permission.
- 8.4.2 The site is predominantly hard surfaced and surface water currently discharges to public surface water sewer. A survey of the site has concluded that the ground conditions offer little opportunity for infiltration via soakaways. However, the proposals would incorporate surface water attenuation measures prior to discharge into the mains sewer, including the green roofs of the proposed buildings, but also sub-terranean surface water attenuation tanks. This would be an improvement on the current arrangement and is welcomed in principle. ESCC Flood Risk Team has been consulted and has no objection to the drainage proposals, subject to a maintenance and management plan for the attenuation features, which would be secured by condition. In addition, a condition would be attached requiring that details are submitted to demonstrate that the SuDS features have been installed on site in accordance with the approved scheme.
- 8.4.3 Taking account of the above considerations, the proposal would provide sustainable drainage improvements for the site and would meet adopted policy in ensuring that the drainage demands of the development are managed.

8.5 Highways, Access and Parking

- 8.5.1 The application is supplemented by a Transport Assessment. In summary, the TA concludes that: the parking demand for the existing store would be met by the resultant Tesco parking area; the majority of trips generated by the proposal would be existing trips on the surrounding transport network (passers-by and visiting sites in the vicinity); the road network has the capacity to accommodate additional trips generated by the development and there would be no

significant impacts upon the transport network directly resulting from the proposal.

- 8.5.2 There is a record of poor highway safety in the vicinity of the site, with some significant and unfortunately severe accidents in the last 5 years, including one fatality. Of these accidents, it is noted that most are recorded as being a result of human error and that none concern the access/egress from the site, being mainly associated with Seaside roundabout. The relatively low number of additional trips generated by the proposal would not prejudice highway safety. It is noted that the positioning of advertisements for the site would potentially have highway safety implications, but that this would be reserved for a separate Advertisement Consent application.
- 8.5.3 A Junction Capacity Assessment has also been undertaken for both the site access and the Birch and Seaside roundabouts, which concludes that the existing infrastructure is sufficient to service the increase in use generated by the development. Taking account of the submitted information, it is considered that the proposal would not prejudice the safety of highway users.
- 8.5.4 There are a total of 545 existing customer spaces in the Tesco car park including 30 accessible spaces and 25 parent and child spaces. Of these spaces, 75 are within the application site boundary.
- 8.5.5 The proposal includes the provision of 34 car parking spaces, three of which would be accessible spaces and 4 would be provided with electric charging facilities, with other spaces provided with the infrastructure to come online to meet future demand. This would provide 77% of the required 44 space demand that would be generated by the development, set against ESCC's "Guidance for Parking at Non-Residential Development".
- 8.5.6 The proposal would result in the overall loss of 58 spaces (545 existing compared to 487 proposed). Therefore, there would be a total of 453 spaces to serve the existing McDonald's and Tesco units, with 34 spaces to serve the proposed drive-thru units.
- 8.5.7 Given the shortfall in parking provision, the applicant has supplemented the application with a parking survey to understand the level of parking demand. This was undertaken in June and again, at the request of the ESCC Highways Officer, more recently to provide a more accurate understanding of the parking demand for the existing unit. The parking surveys conclude that the development could sufficiently accommodate the additional overspill from the proposed development. At the time of writing, formal response is awaited on this final matter from ESCC Highways and this will be updated in Addendum to Committee.
- 8.5.8 The development would relocate the existing 'Click and Collect' facilities to the main building. This in itself would reduce a significant number of vehicle trips across the car park area to service the pick-up point for customers.

- 8.5.9 Eight cycle parking spaces would be provided to encourage access to the site by bicycle. This would take the form of Sheffield style stands. Notwithstanding the submitted plans, the cycle parking must be secure and covered to provide an acceptable degree of weather protection and security and, therefore, final details of the cycle store would be secured by condition.
- 8.5.10 The applicant has also prepared a Framework Travel Plan, which outlines how sustainable travel will be promoted.
- 8.5.11 Pedestrian access is currently provided from Seaside, which would be improved, and a separate pedestrian access would be provided to Lottbridge Drove to improve the pedestrian permeability of the site.
- 8.5.12 Taking the above into account, the transport impacts of the development are acceptable in policy terms, subject to final confirmation from ESCC Highways.

8.6 Archaeology

- 8.6.1 The proposed development is within an Archaeological Notification Area (ANA). The County Archaeologist has been consulted regarding the application and has advised that the ANA relates to the highly significant remains of a preserved 11th-century boat that was uncovered in 1963 in connection with drainage infrastructure improvements immediately adjacent to the site. The boat was only partially exposed but found to lie on a shingle bank that separated the marsh from the sea in the middle ages at approximately 1.4 to 2.1m below the level of the carriageway at that time. The boat remains in situ and its full extent and potential for other similar remains to survive is a consideration. Radiocarbon dating undertaken in 2008 of some of the organic samples retrieved in 1963 indicate that it is broadly contemporary with the Norman invasion of 1066. Regardless of its possible association with the invasion a boat of this age is nationally, if not, internationally important.
- 8.6.2 The application is supported by a Heritage Assessment (Southwest Archaeology report 210825 dated 26th August 2021). This report is generally well research and provides a comprehensive account of the site's archaeological potential. However, the report overlooks the fact that radiocarbon dating or organic material associated with the boat (caulking) has been undertaken which provides a calibrated date for construction/refurbishment of the vessel in the 10th-11th centuries AD, which elevates the significance of this vessel and potentially worthy of preservation in situ. The Heritage Assessment identifies the potential for peat deposits and associated archaeological and/or palaeoenvironmental remains to exist within the site.
- 8.6.3 In light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits

and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss.

8.6.4 The written scheme of investigation will set out the contracted archaeologist's detailed approach to undertake the programme of works and accord with the relevant sections of the Sussex Archaeological Standards.

8.6.5 Any permission will be subject to the three conditions requested by the County Archaeologist to ensure that the heritage significance of the site is protected.

8.7 Other Matters

8.7.1 Refuse would be stored within designated refuse storage facilities away from residential occupiers and would be collected by private contractors to keep the site clean and clear of any litter. The applicant has also confirmed that the site would be litter picked regularly by staff to ensure the ongoing cleanliness of the site. This would be secured by condition of permission.

8.7.2 The development would be liable for a CIL payment as per Eastbourne current charging schedule.

9. **Human Rights Implications**

9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10. **Recommendation**

10.1 The proposed commercial use is sympathetic to the existing commercial use of the site and the character of the area in general. The proposal offers an employment generating use in an otherwise underused part of this site. It would bring about environmental, visual and drainage improvements to the site whilst offering additional amenities to the area.

10.2 The submitted scheme demonstrates that neighbour amenity would be protected to recognised standards and that planning conditions would sufficiently control both the implementation and ongoing operation of the site in the interests of neighbour amenity, including opening hours and plant and other potential disturbances.

10.3 The proposal complies with adopted local and national policies and is recommended for approval subject to the following conditions:

10.4 Time Limit.

10.5 Approved Plans/Documents.

10.6 Drainage - Details of sustainable drainage system.

- 10.7 Drainage - Drainage scheme Maintenance and Management Plan, approved and implemented prior to first use.
- 10.8 Drainage – Prior to first use - Evidence (including photographic) to demonstrate that the approved drainage scheme has been implemented in accordance with the approved details.
- 10.9 Plant and equipment – Prior to first use – approval of plant and equipment specification details and implemented and maintained in accordance for the lifetime of the development.
- 10.10 Archaeology – Prior to commencement - Programme of works in accordance with a Written Scheme of Investigation.
- 10.11 Archaeology – Prior to first use – Site Investigation and Post-Investigation Assessment.
- 10.12 Archaeology – Prior to commencement - Construction Method Statement to ensure remains are preserved in situ.
- 10.13 Construction and Environmental Management Plan – prior to commencement.
- 10.14 Boundary enclosures – Implemented as approved prior to first use and retained in accordance.
- 10.15 Surfacing and marking out of parking and turning areas.
- 10.16 Electric vehicle parking - provided prior to first use.
- 10.17 Hours of use – in perpetuity.
- 10.18 Secure site out of hours - in perpetuity.
- 10.19 Protection of trees during construction.
- 10.20 Landscaping - Implementation of landscaping plan as approved and replacement of trees that die within 5 years.
- 10.21 Cycle parking and bin storage details – approved and provided prior to first use.
- 10.22 External lighting details – implemented as approved prior to first use and maintained for lifetime of development.
- 10.23 Flood Risk – Implemented in accordance with recommendation of approved FRA.
- 10.24 Litter Management Plan – approved prior to first use and implemented in accordance.

11. **Appeal**

- 11.1 Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

12. **Background Papers**

- 12.1 None.